IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

CRP.No. 663 of 2006()
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IA 676/06 IN AS 78/06 OF I ADDL.DISTRICT JUDGE

REVN. PETITIONER: PETITIONER/APPELLANT
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JOSE, AGED 44,
S/O.PALAKKAL ABRAHAM, BUSINESS,
CHALIPPADAM DESOM, ENKAKKAD VILLAGE,
TALAPPILLY TALUK, THRISSUR DISTRICT.

BY ADV. SRI.THIYYANNOOR RAMAKRISHNAN

RESPONDENTS:
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SAJEESH KUMAR, AGED 43,
S/O.PADATH APPUKUTTAN, BUSINESS,
INDIRA NAGAR, KUNNAMKULAM VILLAGE, DESOM,
THALAPPILLY TALUK.

BY ADV. SRI.RAJIT

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 12/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

In view of the order in C.M.Appln.no.670/06 this revision petition is dismissed.

Sd/-M.SASIDHARAN NAMBIAR,JUDGE

ORDER ON I.A.NO.2533/06 IN CRP 663/06

DISMISSED

12/12/2006

SD/-M.SASIDHARAN NAMBIAR,JUDGE.

//True copy//

PA to Judge.

**M.SASIDHARAN NAMBIAR,J.**

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C.M.APPL.NO.670 of 2006
in
C.R.P.NO.663 OF 2006

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Dated 12th December 2006

**O R D E R**

Petitioner is appellant in A.S.78/06 on the file of First Additional District court, Thrissur. Petitioner filed I.A.676/06 an application under Order XLI Rule 5(1) of Code of Civil Procedure to stay execution of decree. Appellate court granted an order of stay but directed petitioner to deposit Rs.20,000/-. Petitioner did not deposit the amount and consequently application was dismissed. Petitioner filed I.A.885/06 another application to raise the condition imposed by court below. It was also dismissed. This revision is filed with an application to condone the delay of 33 days. Case of petitioner is that because of pendency of I.A.885/06 petitioner did not challenge the order in I.A.676/06 and therefore delay is to be condoned. On the facts and circumstances, I do not find any reason to condone the delay as sought for. Though revision was

filed, no revision will lie against said order also. This petition is dismissed. Petitioner may also move the District court for expeditious disposal of the appeal.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.